

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re : Mathieu Gagne and Yuval Ofek
Serial No. : 10/752,256
Filed : January 6, 2004
FOR : METHOD AND APPARATUS FOR CASCADING DATA
THROUGH REDUNDANT DATA STORAGE UNITS
EXAMINER : Mark A. Radtke
ART UNIT : 2165

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION

This response is being filed with respect to a non-final Office Action mailed April 18, 2007. This application was examined with claims 24 through 41. The Examiner has rejected all claims. Claims 24 through 41 remain in the case. No claims are amended.

Examiner's Action, Paragraph 3

The Examiner states that a Declaration filed on April 9, 2007 has been fully considered but it has been deemed "ineffective because it continues to lack factual evidence or documents to support a January 6, 1999 (or prior) date of conception". Specifically, the Examiner indicates that the Declaration "fails to correlate Exhibit 2 with each paragraph

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of the claimed invention".

Applicants submit that an attached Supplemental Declaration establishes the correlation between Exhibit 2 and each of claims 24 through 41. It is also respectfully submitted that collectively the Declaration of April 9, 2007, the attached Supplemental Declaration and exhibits thereto clearly support and demonstrate a date of conception on at least as early as January 6, 1999, the effective filing date of U. S. Patent No. 6,529,944 to LeCrone.

Examiner's Action, Paragraphs 4 and 5

The Examiner rejects claims 24 through 41 under 35 U.S.C. 102(e) as being anticipated by the LeCrone patent.

In view of the attached Supplemental Declaration showing conception prior to the filing date of the LeCrone patent, Applicants respectfully request the Examiner to withdraw his rejection under 35 U.S.C. 102(e).

Summary

Applicants, having now demonstrated that invention as recited in each of claims 24 through 41 was conceived prior to the filing date of the LeCrone patent and the Examiner having indicated Applicants were diligent in pursuing the filing of their application, Applicants respectfully request the Examiner to reconsider his rejection and allow claims 24 through 41.